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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 DUSTIN NEFF,  
13 Plaintiff,  
14 v.  
15 SBA ENTERTAINMENT, LLC, et al.,  
16 Defendants.

Case No. 3:23-cv-02518-JD  
Honorable James Donato Presiding

**REQUEST FOR ENTRY OF  
DEFAULT AGAINST  
DEFENDANT SBA  
ENTERTAINMENT, LLC**

1 TO THE CLERK OF THIS COURT:

2 Plaintiff Dustin Neff ("Plaintiff") respectfully requests that the Clerk of this  
3 Court enter default in this case against Defendant SBA Entertainment, LLC  
4 ("Defendant"), a Colorado limited liability company, because Defendant has failed  
5 to appear or otherwise respond to the operative Complaint within the time  
6 prescribed by the Federal Rules of Civil Procedure.

7 On November 27, 2023, Plaintiff made a request that that Clerk of this Court  
8 enter default in this case. Dkt. 27. On December 6, 2023, the Clerk denied  
9 Plaintiff's request for failure to serve Defendant at the address of its agent  
10 registered with the Colorado Secretary of State. However, on May 31, 2023 and  
11 June 4, 2023, Plaintiff's process server made attempts to serve Defendant through  
12 its registered agent at the registered agent's street address on file with the Colorado  
13 Secretary of State. The current occupant at that address, however, reported to  
14 Plaintiff's process server that the Defendant was unknown. (Exhibit 1). Plaintiff  
15 then made an effort to serve Defendant by mailing copies of the case-initiating  
16 documents to Defendant at its registered agent's mailing address, but those efforts  
17 were unsuccessful due to the registered agent mailing address being invalid.  
18 Therefore, on June 8, 2023, Plaintiff served the operative Complaint and Summons  
19 on Defendant at its principal address as recorded by the Colorado Secretary of  
20 State. Dkt. 7. Thus, while service was not effective at the mailing address of the  
21 registered agent recorded by the Colorado Secretary of State, that is due to the  
22 address being out-of-date, and Plaintiff did serve Defendant at its principal address  
23 listed.

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1 To date, Defendant has not filed a response to the operative Complaint and  
2 its time for doing so has expired. Accordingly, Plaintiff requests that the Clerk  
3 enter default against Defendant pursuant to Fed. R. Civ. P. 55(a) and that service at  
4 the operative address for Defendant be accepted.

5  
6 Dated: December 6, 2023

Respectfully submitted,

7  
8 By: /s/ Frank R. Trechsel  
9 Scott Alan Burroughs, Esq.  
10 Frank R. Trechsel, Esq.  
11 DONIGER / BURROUGHS  
12 *Attorneys for Plaintiff*  
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**DECLARATION OF FRANK R. TRECHSEL**

I, Frank R. Trechsel, do declare and say as follows:

1. I am above 18 years of age and not a party to this action. I am an attorney at Doniger / Burroughs APC and lead counsel for Plaintiff Dustin Neff in this case. If called upon, I could and would competently testify as set forth below.

2. Plaintiff filed this case asserting copyright infringement claims against Defendant SBA Entertainment, LLC (“Defendant”), a Colorado limited liability company.

3. My firm made attempts to serve Defendant by process server at its registered agent’s street address on file with the Colorado Secretary of State. However, we were informed by the process server that the Defendant was unknown at that address per the current occupant. Furthermore, Plaintiff’s attempt to serve Defendant through the registered agent mailing address on file with the Colorado Secretary of State was unsuccessful due to address being invalid.

4. My firm caused Defendant to be served with the operative Complaint and Summons in this case at their principal address on June 8, 2023. Dkt. 7.

5. To date, Defendant has not filed a response to the operative Complaint, and its time for doing so has expired under the Federal Rules of Civil Procedure.

I solemnly swear and declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Executed in Venice, California on December 6, 2023.

By: /s/ Frank R. Trechsel  
Frank R. Trechsel, Esq.  
Declarant